

REMARKS

Claims 30-32, 34-36, 38-40 and 43 are pending in this application. By this Amendment, claims 30, 34 and 38 are amended and new claim 43 is added.

The Office Action rejects claims 30-32 and 34-36 under 35 U.S.C. §112, second paragraph. The above amendments to claims 30, 34 and 36 obviate the grounds for rejection. More specifically, the Office Action appears to question the meaning of the claimed “each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize one channel that comprises forward and reverse communication channels.” Independent claim 30 is amended to recite that each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize one common frequency. See also claims 34 and 38. The present application clearly sets forth a discussion regarding one common frequency channel. See, for example, page 5, lines 1-2 discussing “one frequency channel” and page 6, line 6 discussing sharing a “common channel.” As such, each of independent claims 30, 34 and 38 are amended to recite one common frequency and/or one frequency channel. These claims are definite. Additionally, there should be no confusion as to the meaning of these claims as the specification clearly sets forth these features.

The Office Action has not rejected the claims based on prior art and therefore the claims are believed to be allowable over the prior art (even though the claims have been amended for clarity). For example, the April 8, 2003 Office Action rejected the then pending claims based on

U.S. Patent 5,235,615 to Omura. Applicant supplied distinguishing remarks in the Amendment filed June 30, 2003. Applicant asserts that the pending claims define patentable subject matter over Omura. For example, independent claim 30 recites that each of a plurality of reverse communication channels and each of a plurality of forward communication channels utilize one common frequency. Further, each of the plurality of reverse communication channels and each of the plurality of forward channels have a unique code.

In contrast, Omura relates to a spread spectrum method. Omura's column 2, lines 59-63, discloses that "[f]or a particular two-way communications channel between a particular mobile using and the base station, the unique chip codeword used for the base-communications signal and the remote-communications signal, respectively, [is] the same." Accordingly, Omura's base-communications signal and the remote-communications signal do not each have a unique code. This is evident and apparent, as the "unique chip codeword" is disclosed in Omura as being the same for the base-communications signal and the remote-communications signal. Further, Omura does not teach or suggest that each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize one common frequency. Thus, Omura does not teach or suggest all the features of independent claim 30. Independent claim 30 therefore defines patentable subject matter.

Each of independent claims 34 and 38 define patentable subject matter over Omura for at least similar reasons. That is, independent claim 34 recites the reverse communication channel

and the forward communication channel utilize one frequency channel, and the reverse communication channel and the forward communication channel each have a unique code. Still further, independent claim 38 recites each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize one frequency channel, and each of the plurality of reverse communication channels and each of the forward communication channels have a unique code. Still further, new independent claim 43 recites a reverse communication channel and a forward communication channel that utilize one common channel, and the reverse communication channel and the forward communication channel each have a unique code. For at least similar reasons as set forth above, each of these claims define patentable subject matter.

Accordingly, each of independent claims 30, 34, 38 and 43 define patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references.

Finally, the Office Action states that applicant should provide evidence why prior art does not teach CDD. However, applicant has shown above why Omura does not teach or suggest the various claimed features. Applicant is no under any further obligation to provide evidence, other than to show the claimed features are not taught or suggested in the prior art.

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The Examiner is requested to contact applicant's undersigned attorney should he have any further questions on this issue.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 30-32, 34-36, 38-40 and 43 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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